

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: February 10, 2016

RE: **CASE #CU-16-004**
REQUEST: A conditional use permit to allow a 'contractor yard' in an I-2/General Industrial District.

APPLICABLE CODE SECTIONS: §15.02.020 - Zoning Board of Adjustment
The Zoning Board shall have the following powers:
b. To make final decisions on applications for conditional uses.

§15.21.030 – Conditional uses in an I-2/General Industrial District
01. 'Contractor yard'

§15.23.020 – General Provisions
06. All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, brick, or asphalt to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.

LEGAL DESCRIPTION: Part of the SW1/4 SW1/4 of Section 34-75-44 described as beginning at a point 365.44 feet East and 40 feet North of the SW Corner of said SW1/4 SW1/4; thence North 696 feet, East 363 feet, South 354.4 feet, West 10 feet, South 350 feet and West 353 feet to the Point of Beginning, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: East of 3346 16th Avenue and North of 3220 Nebraska Avenue.

APPLICANT: Matt Fatka
Highway Signage Inc.
947 250th Street
Avoca, IA 51521

OWNER: John Kriener
10825 North 72nd Street
Omaha NE 68122

BACKGROUND INFORMATION – The Community Development Department has received an application from Matt Fatka, on behalf of Highway Signing Inc., for a conditional use permit to allow a 'contractor yard' in an I-2 District on property legally described above. The subject property measures 5.72 acres in size and is currently undeveloped. The applicant proposes to construct a 5,000 square foot contractor shop with attached offices as well as two accessory storage buildings on the subject property (see Attachments 'A' & 'B'). A contractor yard for storing company equipment is proposed at the rear of the contractor shop (Attachment 'C'). The applicant is also requesting approval to use crushed limestone for the contractor yard pavement surface rather the required concrete and/or asphalt cement for financial purposes (See Attachment 'D').

Highway Signage Inc. is a service company that provides traffic control, barricading and line striping for road construction projects in Iowa, Nebraska and Kansas. The company employs approximately 30 people. The hours of operation for the business are mainly 8:00 a.m. to 5:00 p.m. Monday through Friday. A letter of intent and a plan of operation for the proposed request are included with this report as Attachments 'E' & 'F'.

Attachment A: Preliminary site plan

Attachment B: Example contractor shop and storage building images

Attachment C: Images of construction equipment that will be located in the proposed contractor yard

Attachment D: Image of proposed crushed limestone gravel for contractor yard area

Attachment E: Letter of intent

Attachment F: Plan of operation

Attachment G: Location/zoning map

CURRENT ZONING AND LAND USE – The subject property is zoned I-2/ General Industrial District and surrounded on all sides by like zoning (see Attachment 'G'). Surrounding land uses included a City Parks Department storage facility to the east, a mixture of transportation and manufacturing uses to the south, undeveloped land to the west and a Union Pacific Railroad warehouse/storage facility to the north. Property located at 3236 Nebraska Avenue (immediately southeast of the subject property) was granted two conditional use permits by the Zoning Board of Adjustments for a telecommunication tower (see Cases #CU-02-004 & #CU-05-002). All surrounding land uses are industrial in nature and are compatible with the proposed contractor yard use.

The future land use plan of the Bluffs Tomorrow: 2030 Plan identifies the property as 'heavy industrial'. The proposed contractor yard use is consistent with the 'heavy industrial' land use plan designation.

Exhibit A: 2013 aerial image of the subject property and surrounding properties.



Exhibit B: View of the subject property (facing north)



Exhibit C: View of the existing condition of 16th Avenue (facing west)



CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Cox Communications: No conflict.

Council Bluffs Water Works:

1. The subject property has access to a public water main along 16th Avenue.

Public Works Department:

1. Stormwater management for the proposed project will be required.

2. The driveway approach into the property will need to be coordinated with the Public Works Department for determining materials, configuration and thickness.

Community Development Department:

1. The submitted conceptual site plan (see Attachment A) shows the layout of the proposed contractor shop and contractor yard uses. The Community Development has the following comments:
 - a. The subject property has frontage along 14th Avenue and 16th Avenue which are not constructed to current City road standards. The preliminary site plan shows two ingress/egress driveways onto 16th Avenue. All proposed driveways must be approved by the Public Works Department.
 - b. All proposed buildings on the submitted site plan appear to comply with I-2/General Industrial District setbacks and lot coverage requirements. The building heights are not indicated on the submitted plans. All proposed structures shall comply with the development standards stated in Section 15.21.050, *Site development regulations* of the I-2 District.
 - c. Required off-street parking for the contractor yard is based on a rate of one space per employee, as per Section 15.23.060, *Parking spaces required*, of the Council Bluffs Zoning Ordinance. The plan of operation states a maximum of 30 employees will work at this location, therefore a minimum of 30 off-street parking spaces (including two handicap accessible spaces) must be provided. The submitted site plan shows a total of 21 off-street parking spaces. The final site plan shall include a minimum of 30 off-street parking spaces for the proposed use. All parking areas, driveways, drive aisles shall be hard-surfaced and design in accordance with Section 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
 - d. The site plan shows crushed limestone as the preferred pavement material for the contractor yard. The applicant has requested to use crushed limestone for financial purposes. The Community Development Department recognizes the costs associated with paving a large area of property; however, the applicant request to use crushed limestone is not consistent with the standards stated in Section 15.23.020 (06), *General Provisions* of the Council Bluffs Zoning Ordinance which states:
 06. *All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, brick, or asphalt to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.*
- The Community Development Department recommends that the applicant provide a hard-surface pavement material, constructed in accordance with Section 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance, for all contractor yard areas on the property. This recommendation is consistent with the standards that have been enforced on other commercial and industrial uses in the City of Council Bluffs.
- e. Outdoor lights are proposed around the office building, contractor shop and contractor yard areas. Details on the location, height and type of outdoor lights are unknown at the time. All proposed security lights on the property shall be positioned in such a manner that the light is directed away from the adjoining properties and 16th Avenue right-of-way. All outdoor lights shall comply with Section 15.24.050, *Lighting controls* of the Council Bluffs Zoning Ordinance.
 - f. Any signage shall be permitted separately and shall comply with Chapter 15.33, *Signs* of the Council Bluffs Zoning Ordinance.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. One public inquiry regarding the request was received by the City, as follows:

1. Karl A. Groth, owner of 3341 14th Avenue, Council Bluffs, Iowa, asked general questions about stormwater management associated with the proposed development.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property contains 5.72 acres of undeveloped land. The size of the property is adequate for the proposed contractor yard use.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *The subject property has access to sanitary sewer and public water. Stormwater for the proposed use shall be managed in accordance with all Public Works Department requirements. No utility service extensions and/or infrastructure upgrades are necessary to operate the proposed contractor yard use on the subject property.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property abuts 16th Avenue which is not constructed to current City standards. *The preliminary site plan shows two proposed ingress/egress driveways onto 16th Avenue. The applicant shall work with the Public Works Department to determine the appropriate design and location for all proposed driveways.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and storm water permits from the City prior to commencing any development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. The subject property is not adjacent to any residential property. *The final plans shall show the location, type and height of all proposed exterior lighting. All exterior lights shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The subject property is zoned I-2 General Industrial District and exceeds the minimum the*

lot size required. Surrounding land uses are all industrial in nature. The site does not directly abut any residential zoning or established residential use. If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on existing or future land uses in the surrounding area.

7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *The subject property does not abut any residential zoning and/or use. All surrounding properties are zoned I-2/General Industrial and are developed with industrial uses. The subject property is not required to be screened from any adjoining properties. The proposed commercial storage use is not anticipated to discourage the development and enjoyment of adjacent properties.*

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *It is not anticipated that the proposed use will adversely impact the surrounding properties.*

RECOMMENDATION

The Community Development Department recommends approval of the request for a conditional use permit to allow a 'contractor yard' use in an I-2/ General Industrial District on property legally described as being part of the SW1/4 SW1/4 of Section 34-75-44 described as beginning at a point 365.44 feet East and 40 feet North of the SW Corner of said SW1/4 SW1/4; thence North 696 feet, East 363 feet, South 354.4 feet, West 10 feet, South 350 feet and West 353 feet to the Point of Beginning, City of Council Bluffs, Pottawattamie County, subject to the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The conditional use shall comply with all site development regulations pertaining to the I-2/General Industrial District.
3. The hours of operations shall be as presented in the application.
4. All exterior lighting shall comply with the standards stated in *Section 15.24.050, Lighting Controls*, of the Council Bluffs Zoning Ordinance.
5. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
6. All required off-street parking spaces, driveways and drive aisles shall be hard-surfaced and designed to comply with the standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
7. All contractor yard areas shall be hard-surfaced and designed to comply with the standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
8. The applicant shall contact the Council Bluffs Public Works Department to develop plans for stormwater management and ingress/egress onto the 16th Avenue for the proposed project.



Rose Brown
Planning Coordinator



Christopher Gibbons
Planner